

Resolution No.: 10-05-08
Introduced: October 13, 2008
Adopted: _____
Effective Date: _____

BOARD OF MANAGERS

For

Chevy Chase Village, MD

SUBJECT: AN ORDINANCE TO AMEND CHAPTERS 6 AND 8 OF THE CHEVY CHASE VILLAGE CODE TO REGULATE THE USE OF PORTABLE STORAGE UNITS AND TO CLARIFY THE DEFINITION AND REGULATION OF DUMPSTERS WITHIN CHEVY CHASE VILLAGE.

WHEREAS, Article 23A, Section 2(a) of the Maryland Code, as amended, authorizes the legislative body of each municipal corporation in the State of Maryland to pass ordinances that such legislative body deems necessary to assure the good government of the municipality, to protect and preserve the municipality's rights, property and privileges, to preserve peace and good order, and to secure persons and property from danger and destruction, and to protect the health, comfort, and convenience of the citizens of the municipality; and

WHEREAS, Article 28, Section 8-115.1 of the Maryland Code authorizes municipal corporations in Montgomery County, such as Chevy Chase Village, to regulate the construction, repair, erection, or remodeling of buildings or other structures as it relates to residential storage, and to regulate the location of structures, including setback requirements; and

WHEREAS, Section 77-14(a) of the Chevy Chase Village Charter authorizes the Board of Managers to pass ordinances as it may deem necessary for the health, safety, and welfare of Chevy Chase Village; for the protection and preservation of Chevy Chase Village property, rights, and privileges; for the preservation of peace and good order; for securing persons and property from violence, danger, or destruction; and for the suppression and abatement of all nuisances; and

WHEREAS, to comply with Article 28, Section 8-115.1 of the Maryland Code, on the 15th day of October, 2008, a copy of the following ordinance was submitted to the Montgomery County Council for its comments; and

WHEREAS, no comments were received from the Montgomery County Council; and

WHEREAS, after proper notice to the public, and after at least thirty days from the date a copy of the following ordinance was transmitted to the Montgomery County Council, the Board of Managers conducted a public hearing at which it considered the following ordinance in public session assembled on the 8th day of December, 2008; and

WHEREAS, Section 8-10 of the Village Code regulates the use of dumpsters within the Village; and

WHEREAS, contractors often use wheeled trailers to store construction materials and/or discard demolition debris on a property at which they are working, and sometimes leave such trailers on a property for an extended period of time; and

WHEREAS, the Board of Managers recognizes that it is sometimes necessary for residents of Chevy Chase Village to use a portable storage unit on their property for a limited period of time; and

WHEREAS, the presence of a detached wheeled trailer or a portable storage unit on a property may impede the free flow of light and air, and, if permitted to remain on a property for an extended period of time, may detract from the aesthetic appearance and character of the neighborhood; and

WHEREAS, the Board of Managers finds that the public health, safety and welfare can be promoted by restricting the length of time for which a portable storage unit or a detached wheeled trailer may be permitted to remain on a property within Chevy Chase Village; and

WHEREAS, based on the recommendation of the Village Manager, the Board of Managers finds that the average cost of preparing and enforcing a permit for the placement or maintenance of a portable storage unit or a detached wheeled trailer equals or exceeds the fee set forth in this ordinance; and

WHEREAS, the Board of Managers finds that the fee set forth in this ordinance bears a reasonable relationship to the recovery of actual costs incurred by the Village, and the fee is not set to make a profit or deter requests for the installation or maintenance of portable storage units or detached wheeled trailers within the Village; and

WHEREAS, the Board of Managers finds that the ordinance as hereinafter set forth is necessary to assure the good government of the Village; for the protection and preservation of the Village's property, rights and privileges; for the preservation of peace and good order; for securing persons and property from violence, danger and destruction; and for the protection and promotion of the health, comfort, and convenience of the residents of the Village; and

NOW, THEREFORE, the Board of Managers of Chevy Chase Village does

hereby adopt the following ordinance:

AN ORDINANCE TO AMEND CHAPTERS 6 AND 8 OF
THE CHEVY CHASE VILLAGE CODE TO REGULATE
THE USE OF PORTABLE STORAGE UNITS AND TO
CLARIFY THE DEFINITION AND REGULATION OF
DUMPSTERS WITHIN CHEVY CHASE VILLAGE.

SECTION 1. BE IT ORDAINED AND ORDERED, this ____ day of _____, 2008,
by the Board of Managers of Chevy Chase Village, acting under and by virtue of the
authority granted to it by Articles 23A and 28 of the Maryland Code and Section 77-14(a)
of the Village Charter, that Section 8-1 of the Village Code is hereby amended to read as
follows:

Sec. 8-1. Definitions.

* * *

(i) *Dumpster*: A large bin designed or used to store construction and/or
demolition debris awaiting transportation to a disposal site, including, but
not limited to, detached wheeled trailers.

* * *

(t) *Portable storage unit*: A container designed or used for the outdoor
storage of personal property which is movable and is typically rented
to owners or occupants of a property for their temporary use.

~~(t)-(u)~~ *Portable swimming pool*: Any swimming pool (as defined below),
which is movable and less than eight (8) feet in diameter or length, shall
be deemed a portable swimming pool.

~~(u)-(v)~~ *Public right-of-way*: Any land within the borders of the Village
over which the Village has control, ownership, or which has been
dedicated to the Village, including any sidewalk or street.

~~(v)-(w)~~ *Rear yard*: The area located between the rear main building line
and the rear lot line.

~~(w)-(x)~~ *Right-of-way license agreement*: A written agreement setting forth
the terms and conditions upon which an abutting property owner may
place a fence, wall, tree, hedge, shrubbery or other growth in the public
right-of-way. Such agreement may be recorded in the County land records
at the abutting property owner=s expense.

~~(x)-(y)~~ Side wall: A wall running parallel (or approximately so) to a side property line.

~~(y)-(z)~~ Single family: An individual, or two (2) or more persons related by blood, adoption or marriage, together with not more than one (1) other unrelated person, excluding service personnel, living together as a single housekeeping unit.

~~(z)-(aa)~~ Special permit: Permission granted by the Board of Managers in accordance with Article II, Division B of this Chapter, to construct, install, remove or alter a structure or planting, or take other action where such permission is required by this Chapter.

~~(aa)-(bb)~~ Street: A public or dedicated right-of-way, including, but not limited to, roadways, parkways, avenues, highways or other public thoroughfares for vehicular or pedestrian traffic. A public sidewalk constitutes an adjunct or accessory to a street to be used for pedestrian traffic.

~~(bb)-(cc)~~ Structure: An assembly of materials forming a construction including, but not limited to, buildings, accessory buildings, antennas, open sheds, shelters, tennis courts, air conditioners and swimming pools, but not including walkways, patios, driveways or play equipment.

~~(cc)-(dd)~~ Swimming pool: Any outdoor pool or container for water, either above or below ground, over eighteen (18) inches deep at any point or having a capacity for a minimum of eighteen (18) inches of depth, which has been dammed up, produced, or constructed by human labor and skill and which is used or intended to be used for swimming, wading, diving or water play. The words "swimming pool" shall not include a portable pool eight (8) feet or less in diameter or length, or an outdoor therapeutic bath as previously defined herein.

(9-13-93; No. 11-1-93, 11-22-93; No. 10-02-02, 10-14-02; No. 06-01-08, 06-16-08; No. - -08, - -08)

SECTION 2. AND BE IT FURTHER ORDAINED AND ORDERED, this ____ day of _____, 2008, by the Board of Managers of Chevy Chase Village, acting under and by virtue of the authority granted to it by Articles 23A and 28 of the Maryland Code and Section 77-14(a) of the Village Charter, that Section 8-10 of the Village Code is hereby amended to read as follows:

Sec. 8-10. Dumpsters and portable storage units.

(a) Dumpsters. ~~Any~~No person shall place~~ing~~ or maintain~~ing~~ a dumpster within the ~~v~~Village ~~must first without~~ obtaining a permit ~~for such~~ ~~dumpster~~ from the ~~v~~Village ~~m~~Manager. The ~~v~~Village ~~m~~Manager may

condition such permit upon such terms or restrictions as he deems necessary to protect the public health, safety or welfare.

(b) Portable storage units.

(1) No person shall place or maintain a portable storage unit within the Village without obtaining a permit from the Village Manager.

(2) The Village Manager may issue a permit for a portable storage unit for up to thirty (30) days. During such period, an approved portable storage unit may be placed or maintained on the applicant's private property, subject to such terms or restrictions as the Village Manager deems necessary to protect the public health, safety or welfare.

(3) The Village Manager may authorize an extension for up to thirty (30) days, upon such conditions as the Village Manager may deem necessary, provided the applicant demonstrates that factors beyond the applicant's control warrant such extension.

(c) No person shall place or maintain a portable storage unit or dumpster on public property or in the public right-of-way.

(No. 10-02-02, 10-14-02; No. - -08, - -08)

SECTION 3. AND BE IT FURTHER ORDAINED AND ORDERED, this ____ day of _____, 2008, by the Board of Managers of Chevy Chase Village, acting under and by virtue of the authority granted to it by Articles 23A and 28 of the Maryland Code and Section 77-14(a) of the Village Charter, that Section 6-2 of the Village Code is hereby amended to read as follows:

Sec. 6-2. Fees and charges for permits and services.

The Board of Managers hereby establishes the following fees and charges for permits, certificates and services performed by the Village:

(a) *Building permits (Chapter 8).*

* * *

(11) Dumpsters and portable storage units
Permit.....30.00

SECTION 4. AND BE IT FURTHER ORDAINED AND ORDERED, this ____ day of _____, 2008, by the Board of Managers of Chevy Chase Village, acting under and by virtue of the authority granted to it by Articles 23A and 28 of the Maryland Code and Section 77-14(a) of the Village Charter, that:

(1) If any part or provision of this ordinance is declared by a court of competent jurisdiction to be invalid, the part or provision held to be invalid shall not affect the validity of the ordinance as a whole or any remaining part thereof; and

(2) This ordinance shall take effect on the ____ day of _____, 2008, provided the same is posted at the Village Office for fourteen (14) days prior thereto.

CHEVY CHASE VILLAGE

Douglas B. Kamerow, Chairman
Board of Managers
Chevy Chase Village

ATTEST:

Susie Eig, Secretary

Bold and Underline indicates new material
Bold and Strikethrough indicates material deleted
* * * indicates material unchanged

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